

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 10-11424-RGS

SHEENA DRAPER

v.

METROPOLITAN LIFE INSURANCE COMPANY

MEMORANDUM AND ORDER ON DEFENDANT'S  
MOTION TO DISMISS

November 29, 2010

STEARNS, D.J.

The time for the filing of an opposition having expired (with none forthcoming), the court has reviewed defendant Metropolitan Life Insurance Company's (MetLife) motion to dismiss and the accompanying memorandum. MetLife makes a compelling argument that the Complaint is time-barred on its face because of plaintiff Sheena Draper's failure to file a Proof of Disability within the six months allotted under the Medical and Disability Benefits Plan maintained by MetLife on behalf of her employer, the Dana-Farber Cancer Institute. She also failed to file this lawsuit within three years of the time allotted for the filing of the Proof of Disability as the Plan required.<sup>1</sup>

ORDER

For the foregoing reasons, MetLife's motion to dismiss is ALLOWED. The Clerk may now close the case.

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<sup>1</sup>It is uncontested that the final denial of Draper's claim for long-term disability benefits occurred on November 13, 2006. This lawsuit was filed August 18, 2010. While the Plan makes an exception if state law dictates a longer statute of limitations, that is not the case with Massachusetts.

SO ORDERED

/s/ Richard G. Stearns

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UNITED STATES DISTRICT JUDGE